



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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September 26, 2011

Mr. George Sedberry
Superintendent
Gray's Reef National Marine Sanctuary
Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
10 Ocean Science Circle
Savannah, GA 31411

SUBJ: EPA NEPA Comments on the FEIS for the Gray's Reef National Marine Sanctuary "Sanctuary Research Area Designation"; 16 Miles Offshore Sapelo Island, GA; CEQ #20110280; ERP #NOA-E39081-NC

Dear Mr. Sedberry:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced National Oceanic and Atmospheric Administration (NOAA) Final Environmental Impact Statement (FEIS) on a proposed research site within the Gray's Reef National Marine Sanctuary (GRNMS). NOAA's National Ocean Service (NOS) and its Advisory Council (and the Council's Research Area Working Group: RAWG) participated in the site selection process for this FEIS project. EPA previously provided comments on the DEIS for this action in a letter dated October 5, 2010.

The purpose of the EIS is to designate a portion of the existing 22-square-mile GRNMS for research on marine live bottom habitats and other studies. It is our understanding that the intent of this designation is to allow for the study of the effects of natural (e.g., hurricanes) and other (e.g., climate change/ocean acidification) events on reefs and other live bottoms in a controlled area essentially free from anthropogenic impacts such as fishing, anchoring, etc. The results of this closure area could then be compared to nearby areas still impacted by humans. NOAA proposes several research opportunities / activities in the Research Area Action Plans - Section VI.

FEIS Alternatives

In addition to the No Action Alternative, the site alternatives presented in the DEIS are: 1) Southern Option Boundary, 2) Optimal Scientific Option Boundary, 3) Minimal User Displacement Option Boundary, and 4) Compromise Option Boundary. NOAA has identified Alternative 1 as their agency preferred alternative for the FEIS.

Two main parameters were considered for these alternatives – the quality of habitat desired for research and the level of fishing, diving and boating to be allowed within the designated site. For our review of the FEIS, we have focused on NOAA's specific responses to our comments on the DEIS.

EPA Comments on FEIS

Preferred Alternative - EPA continues to support NOAA's decision to designate a portion of GRNMS for research which will provide certain protections for this designated area from anthropogenic impacts. EPA provided the position in our DEIS comments that habitat should be emphasized as the primary criteria and displacement of users as secondary in selecting the site. While we understand the reasoning¹ for NOAA's decision to select Alternative 1 (Southern Boundary Option) we continue to support Alternative 2 (Optimal Scientific Option) which appears to provide the best habitat in terms of types of ledges and other habitats. Although, EPA believes that that Southern Boundary Option will provide for better enforcement, since this option will share three existing boundaries with the GRNMS.

Monitoring Buoy – EPA agrees with the RAWG and Advisory Council's assessment that the data buoy collects oceanographic variables that are basically uniform at the scale of the whole sanctuary;² therefore having the monitoring buoy located within the research area is not necessary and shouldn't be used as a selecting criteria.

Marker Buoys – EPA agrees that the additional buoys could alter the natural systems of the research area by attracting bait fish and pelagic species. EPA also agrees that the Southern Boundary Option allows for use of the existing boundaries of the GRNMS therefore minimizing the need for additional marker buoys.

Prohibiting Fishing - EPA agrees with NOAA's assessment that apex predators play very important roles in marine ecosystems, and their removal from the system may lead to trophic cascades that change the ecosystem structure.³ In addition, EPA agrees that allowing any fishing in the designated area would complicate enforcement. One of the purposes of this designation is to limit anthropogenic impacts to the research area and allowing fishing would be counterproductive to this goal. Overall, EPA supports NOAA's decision to prohibit all fishing in the designated research area.

¹ p. 97 - NOAA agrees that habitat needs should be the primary site selection criteria for a research area. In fact, the RAWG determined, and recommended to the advisory council early in deliberations, that the primary site selection criterion for a research area was an area that included bottom features representative of the sanctuary as a whole, with a minimum of 20 percent densely-colonized ledge habitat including small, medium and tall ledges. The RAWG also determined, and recommended to the advisory council, that while ledge habitat is the highest priority in terms of research interest, sufficient amounts of the other three habitat types (flat sand, rippled sand, and sparsely-colonized ledge habitat) are necessary to replicate the diversity of sanctuary habitats in a research area.

² p. 17

³ p. 16

Prohibiting Diving – NOAA estimates that few visitors scuba dive at the GRNMS due to the uncertain visibility and open water conditions.⁴ EPA agrees that allowing recreational diving in the research area would be counterproductive and would complicate enforcement in the designated area.

Boating – EPA agrees with NOAA that allowing vessel transit through the research area without stopping is the most appropriate alternative. The RAWG and Advisory Council indicated that prohibiting transit through the research area would be a hardship for many boaters.⁵ However, EPA remains concerned that vessel traffic through the research area may cause or contribute to water quality impacts that could be prevented by prohibiting boat traffic. EPA would have preferred additional discussion in the FEIS regarding the benefits of prohibiting transit through the research area (water quality benefits) vs. hardships endured by boaters (estimated additional fuel cost and mileage to avoid area).

EPA DEIS Rating

In summary, although we prefer and recommend Alternative 2 (Optimal Scientific Option) in order to minimize confounding factors and to maximize scientific research results we support NOAA's decision to designate a portion of GRNMS for research. In addition we support several positions taken by NOAA with regards to boating, diving, and fishing in the proposed research area.

EPA appreciates the opportunity to review the FEIS. Should you have questions regarding our comments, feel free to contact Dan Holliman (404-562-9531 or holliman.daniel@epa.gov) of my staff.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Dr. Paul N. Doremus – NOAA NEPA Coordinator; Silver Spring, MD

⁴ p. 30

⁵ p. 31